United Nations CCPR/C/SR.2446

International Covenant on Civil and Political Rights

Distr.: General
13 April 2007

Original: English

Human Rights Committee
Eighty-ninth session

Summary record of the 2246th meeting
Held at Headquarters, New York, on Tuesday, 27 March 2007, at 10 a.m.

Chairperson: Mr. Rivas Posada
later: Mr. Shearer (Vice-Chairperson)

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07-28368 (E)

The meeting was called to order at 10.10 a.m.

General comments of the Committee *(continued)*

Draft general comment No. 32 on article 14 of the Covenant (continued) (CCPR/C/GC/32/CRP.1/Rev.4)

1. **Mr. Kälin**, speaking as rapporteur for the draft general comment on article 14, recalled that the Committee had decided to defer consideration of paragraphs 17, 18, 20 and 23 pending the submission of new draft text. The last two sentences of the original paragraph 23 could serve as the basis for a new, separate paragraph on courts based on customary law, but he would be grateful for input from Committee members in that regard.

2. **Mr. Shearer** agreed that it was not appropriate to deal with military and customary courts in the same paragraph. He therefore supported Mr. Kälin's proposal, on the understanding that the new text would not carry a paragraph number and would be placed within square brackets pending a decision on its position within the draft as a whole.

3. **Mr. Amor**, supported by **Ms. Chanet**, said that the new paragraph must make it clear that customary courts should have jurisdiction only over minor matters and that the rulings of such courts could not be enforceable until they had been homologated by State courts.

4. **Mr. Bhagwati** said that customary courts, such as the panchayat courts in South-East Asia, operated under a totally different system and could not, therefore, be regarded as equivalent to State courts for the purposes of article 14. Any attempt to assimilate those two systems would seriously disrupt the functioning of customary courts.

5. **Ms. Chanet** pointed out that States parties to the Covenant were responsible for ensuring that all domestic courts, including customary courts, complied with the provisions of article 14.

6. **Mr. Kälin** confirmed that the issue of customary courts would be addressed in a new paragraph, which would be inserted directly before the existing paragraph 25. He agreed with Mr. Bhagwati that, in practice, not all the provisions of article 14 were fully applicable to customary courts; for that reason, the conditions under which States parties could accept the jurisdiction of such courts must be set out clearly. Accordingly, and in light of Mr. Amor's comments, he proposed that the new paragraph should read: "The general applicability of article 14 also becomes relevant where courts based on customary law exist. Here, appropriate measures must be taken in order to ensure that proceedings before such courts are limited to minor matters and meet the basic requirements of this provision that their judgements are validated by State courts, or, if these requirements are not met, cannot hand down binding judgements recognized by the State".

7. **Mr. Lallah** expressed support for the gist of the proposal. However, the Committee must avoid giving the impression that it was sanctioning all types of customary court. While article 2, paragraph 3 (b), of the Covenant explicitly recognized that individual rights could be determined by instances other than courts, the draft general comment should stress States parties' obligation to ensure that all customary courts complied with the provisions of the Covenant.

8. He expressed concern that the definition of "minor" offences could be subject to interpretation. In that connection, it was essential to insist on the need for the proper review of relevant rulings by the State courts.

9. **Sir Nigel Rodley** wondered whether it might be appropriate to distinguish between civil and criminal matters and to specify that customary courts were competent to rule only on minor criminal matters. However, as long as the proceedings of customary courts satisfied basic standards of fair trial and their rulings complied with the relevant provisions of the Covenant, their jurisdiction was less important.

10. **Mr. Glélé Ahanhanzo** observed that the proposals under discussion were in line with the Committee's concluding observations on Benin (CCPR/CO/82/BEN), in which it had noted that the conciliation tribunals were useful but had also urged the State party to ensure that the system of judicial confirmation in the courts met the requirements of article 14 of the Covenant. In West Africa, customary courts usually ruled on civil matters, such as matrimonial or land disputes. If and when they dealt with criminal matters, their decisions were always subject to validation by the State courts.

11. **Mr. Shearer** said that including the term "minor" might create more problems than it solved. While customary courts should abide by the provisions of

article 14, paragraph 1, of the Covenant, the remainder of that article did not seem relevant. He was curious to know whether the paragraph under discussion would also include a reference to religious courts.

12. **Ms. Motoc** said that the new paragraph should refer to the three separate categories of non-traditional court, namely, customary courts, religious courts and indigenous courts.

13. Customary law was the predominant legal framework in many countries and, unlike other international organizations and entities, the Human Rights Committee recognized its legitimacy in certain situations. It was therefore doubly important to give clear guidance on the circumstances in which its application was acceptable. While not all the provisions of article 14 could be applied to customary courts, paragraph 1 was fully applicable. It might also be appropriate to stress the importance of conformity with the remaining articles of the Covenant.

14. **Mr. Amor** said he was not opposed to stipulating that customary courts should not rule on criminal matters. However, in any event, since justice could be done only at the State level, all decisions of such courts must be subject to homologation by the State courts.

15. **The Chairperson**, responding to a query raised by **Sir Nigel Rodley**, said that the term "homologation" meant the official recognition (imprimatur) of the validity of a ruling.

16. **Ms. Chanet** endorsed the remarks made by Mr. Amor. The Committee must be careful to avoid suggesting that States parties could circumvent the provisions of the Covenant by resorting to customary courts. It would be unthinkable to insist on the application of article 14, paragraph 1, without also insisting on compliance with article 14, paragraph 3, particularly since customary courts in some countries were able to hand down death sentences.

17. **Ms. Motoc** stressed the need to avoid legitimizing customary courts, especially those in countries with weak or non-existent central Governments which might not necessarily be State-sanctioned.

18. **Mr. Glélé Ahanhanzo**, supported by **Ms. Chanet**, noted that the *gacaca* courts in Rwanda posed particular difficulties with respect to the application of article 14.

19. **Ms. Chanet** said that indigenous courts, particularly those in Northern Europe, often failed to respect the Covenant as a whole, not just the provisions of article 14, by, inter alia, sanctioning the use of violence.

20. **Mr. Lallah** observed that the question of indigenous courts had arisen in the Committee's jurisprudence. In one particular case, the Committee had found a violation by the indigenous courts of the rights enshrined in the Covenant and had attributed responsibility for that violation to the State party concerned. That finding served to emphasize that, where the rights of individuals were concerned, States parties to the Covenant were ultimately responsible for ensuring that rulings handed down by customary or other types of non-traditional courts complied with its provisions.

21. **Ms. Motoc** said that it was particularly necessary for the *gacaca* courts to comply with article 14 owing to the very serious nature of the crimes they dealt with.

22. **Mr. Pérez Sánchez-Cerro** said that while many types of customary court were legitimate, the application of article 14 varied from country to country. Many States parties agreed to comply with the Covenant's provisions, but often social groups within them were not even aware of the existence of that instrument. How could States parties enforce the rules of an international body, such as the Committee, when some had difficulty imposing their own rules on their own people?

23. He supported the inclusion of customary courts in the draft general comment but suggested drafting a new, separate paragraph to take into account their specific characteristics and set out their obligations to comply with article 14 and other relevant provisions of the Covenant.

24. **Mr. Kälin** welcomed the consensus on the underlying principle that article 14 was relevant to customary courts and that the basic requirements of fair trial and other relevant guarantees must apply. He disagreed with the suggestion that only article 14, paragraph 1, should apply, preferring to leave the text more open by referring simply to the basic right to a fair trial; it was indeed impossible to address all the situations that the text might cover. There was also consensus on the fact that decisions by customary courts required validation (which he believed was an appropriate English rendering of the term

"*homologation*") by State courts and that if any of the basic rights guaranteed under the Covenant were not ensured, a decision by a customary court could not be recognized by the State courts.

25. One point still under debate was whether the jurisdiction of customary courts should be limited to civil matters or whether minor offences should also be referred to; he did not find the reference to "minor" criminal matters a problem, as many domestic systems made distinctions between crimes with varying degrees of gravity. However, some Committee members had recommended not including any reference at all to criminal matters. He pointed out that many customary law systems did not distinguish between criminal and civil matters. Of primary importance was ensuring that customary courts should not be allowed to try very serious cases and impose criminal penalties that were incompatible with the requirements of the Covenant, for instance, the death penalty or corporal punishment. He recommended that the Committee should come back to the paragraph once he had redrafted it.

26. **The Chairperson** asked Mr. Kälin whether he thought religious courts fell into the same category as customary courts or whether they should be dealt with separately.

27. **Mr. Kälin** said that it was difficult to draw a clear conclusion from the Committee's discussion. However, given that religious courts and customary courts both applied laws that had not been adopted by State legislation, he preferred to keep references to both types of court in the same paragraph. Neither should be able to subject individuals to severe punishment or take decisions that became enforceable, unless their procedures respected the basic rights of fair trial and did not violate other relevant guarantees of the Covenant. Having said that, it was not necessary for all courts to respect all the provisions of article 14.

28. **The Chairperson** asked Mr. Kälin where the new paragraph on customary law would appear.

29. **Mr. Kälin** said that it should be inserted between paragraphs 24 and 25 because the latter paragraph introduced a new topic — the right to a fair and public hearing.

30. **The Chairperson** said he took it that the Committee wished to defer further discussion of paragraph 23.

Paragraph 25

31. **Mr. Glélé Ahanhanzo** said that a brief reference to the need to safeguard the independence of the judiciary should be included in the draft general comment; the situation in that regard currently varied from one State party to another.

32. **Mr. Amor** said that judges might be intimidated not just by a hostile attitude on the part of the public, as mentioned in the third sentence of paragraph 25, but also by public displays of support. He therefore suggested inserting in the French text the words "*ou de soutien*" after the words "*manifestations d'hostilité*".

33. **Mr. Kälin** said that he would address the independence of the judiciary in paragraph 20 and would be happy to consult Mr. Glélé Ahanhanzo regarding the wording to be used. He agreed with Mr. Amor's suggestion.

34. *Paragraph 25, as amended, was adopted.*

Paragraph 26

35. *Paragraph 26 was adopted.*

Paragraph 27

36. **Mr. Amor** said that, while he found the last sentence legitimate, it could also be seen as wishful thinking, since some countries, as much as they might desire a smoothly operating legal system, simply did not have the necessary resources.

37. **Mr. Kälin** suggested adding the words "to the extent possible" to the last sentence of the paragraph.

38. *Paragraph 27, as amended, was adopted.*

Paragraph 28

39. *Paragraph 28 was adopted.*

Paragraph 29

40. **Mr. Kälin** drew attention to the list of additional proposals distributed to Committee members on the first day of discussion of the draft general comment, and specifically the proposal for the insertion of the phrase ", including the essential findings, key evidence and legal reasoning leading to this decision," after the words "the judgement" in the last sentence of paragraph 29. He strongly supported that amendment.

41. *Paragraph 29, as amended, was adopted.*

Paragraph 30

42. **Mr. Iwasawa** said that he had some reservations about the latter part of the third sentence because the example provided had broader implications than necessary and might prevent public prosecutors or the police from making any statements whatsoever to reporters. He suggested either deleting the example or replacing the words "as to" with the word "stressing".

43. **Mr. Bhagwati** proposed replacing the words "as to" with the word "suggesting" rather than the word "stressing". Furthermore, he proposed inserting the words "save in exceptional circumstances" after the words "dangerous criminals" in the fourth sentence, because in some situations, defendants could in fact be considered dangerous.

44. **Mr. Pérez Sánchez-Cerro** suggested deleting the words "outside the court room" in the third sentence because it made the duty in question appear to apply only to the judicial authorities, whereas in many cases, it was the political authorities who made public statements as to the guilt or innocence of the accused, which in turn could significantly influence judges.

45. **Mr. Lallah** suggested replacing the words "as to" in the third sentence with the word "affirming" rather than "stressing" or "suggesting". He did not support Mr. Bhagwati's suggested insertion of the words "save in exceptional circumstances" in the fourth sentence, because the past of the accused party should not be taken into account when he or she came before the courts; rather, previous convictions were admitted only if and when the accused was found guilty. Finally, he agreed with Mr. Pérez Sánchez-Cerro's suggestion to delete the words "outside the court room".

46. **The Chairperson**, speaking as a member of the Committee, said that he supported deleting the words "outside the court room" and pointed out that the security measures referred to in paragraph 30 could also serve to protect prisoners, as many States parties had sought to demonstrate in the past.

47. **Mr. Amor** said that while the media were very important as far as the dissemination of information was concerned, they often played the role of a judge by presenting the facts a certain way and finding prisoners guilty before their trial. He therefore suggested strengthening the fifth sentence by adding in the French text a phrase such as "*ou en relatant les faits de manière tendentieuse*" in order to stress that it was not the media but the legal system that decided who was innocent or guilty.

48. **Mr. Kälin** agreed with Mr. Pérez Sánchez-Cerro's suggestion to delete the words "outside the court room" and with Mr. Lallah's suggestion to replace the words "as to" with the word "affirming". He had thought that the word "normally" would cover any exceptions to the rule that defendants should not be presented to the court in a manner indicating that they might be dangerous criminals, but if the Committee did not find the wording satisfactory, he suggested inserting "routinely" before the words "be shackled or kept in cages". Finally, drawing attention to the additional proposal made by one of the States parties to delete the fifth sentence, beginning with the words "The media" and ending with the words "with their face covered", he said he thought that the media's reporting methods were an important issue and therefore preferred to keep the sentence. If the Committee agreed to retain it, Mr. Amor's suggestion for the addition of the words "or presenting the facts in a tendentious manner" should be adopted, as it was not just the images but also the way in which the facts were presented that could influence a case.

49. **Ms. Chanet** said that she did not support the proposed addition to the fifth sentence, because it could be wrongly interpreted. Instead, she suggested replacing in the French text the words "*devraient éviter de porter atteinte à la présomption d'innocence*" with "*devraient éviter de présenter les faits d'une manière contraire à la présomption d'innocence*", thereby keeping the concept of presumption of innocence, which was provided for in the Covenant.

50. **The Chairperson** said he took it that Ms. Chanet's proposed change was acceptable to the Committee and suggested that the sentence should remain, due to the importance of the subject.

51. *Paragraph 30, as amended, was adopted.*

Paragraph 31

52. *Paragraph 31 was adopted.*

Paragraph 32

53. **Mr. Amor** suggested inserting the word "*raisonnablement*" before the word "*insuffisant*" in the French text of the fifth sentence.

54. **Mr. Iwasawa** enquired as to the intention behind the third sentence, especially with regard to the word "might". It was difficult to require States parties to provide free interpreting services for communication with counsel, and he suggested the use of language such as "to the extent possible".

55. **Mr. Kälin**, responding to Mr. Amor's suggestion, said that he had no objections to adding the word "reasonably" per se, but suggested changing the position of the word in the English text to just before the word "feels", for stylistic reasons.

56. As for the word "might" in the third sentence, he explained that he had wished to exercise caution since the Covenant provided for the right to free interpreting services in dealings with the court, but not in those with counsel. However, if a defendant could not communicate with his or her counsel, that too violated the defendant's right to proper defence. He did not agree with the proposed addition of the phrase "to the extent possible" and would rather keep the sentence as it stood, but wondered if another member might suggest a better formulation.

57. **The Chairperson** asked whether the reference to paragraph 3 (b) might not be cause for confusion, since interpreting services were actually dealt with in other provisions.

58. **Mr. Kälin** noted that interpreting came up in various contexts: paragraph 3 (a) dealt with the need to inform the defendant of the charge against him in a language which he understood, while paragraph 3 (f) provided for the free assistance of an interpreter if the defendant could not understand or speak the language of the court proceedings. Finally, paragraph 3 (b) set out the need for adequate time and facilities for the preparation of the defence; because the requirement of adequate facilities could not be considered to have been met if the defendant had counsel but was not able to communicate with him or her, it was relevant to the sentence currently under discussion.

59. **Ms. Chanet** emphasized that the question was relevant to all aspects covered by article 14, paragraph 3. It would be both realistic and logical to provide in all circumstances for the right of the person charged to communicate with counsel.

60. **Mr. Bhagwati** questioned the use of the word "obligation" in the last sentence of the paragraph. He also had doubts about the mention of the possible inexperience of counsel and wondered how and by whom that would be determined.

61. **Mr. Kälin** said that there was indeed an obligation in the case of offences carrying the death penalty.

62. **Mr. Lallah** expressed his agreement with the idea of an obligation. He stressed, however, that the offence should be referred to as a serious criminal offence and suggested that the phrase at the end of the sentence, after the words "carrying the death penalty", should be deleted and replaced by "and additional time is needed for preparation of the defence".

63. **Mr. Iwasawa** noted that while free interpretation should be provided in court, specific measures to ensure communication between defendant and counsel were only required in some cases.

64. **Ms. Chanet** said that, on the contrary, an indigent defendant who did not speak the language used by counsel should always have the right to the use of an interpreter's services. Otherwise he or she would appear before the court without benefit of counsel.

65. **Mr. Lallah** concurred that communication with counsel was a fundamental right of defence, for without it there was no guarantee of a fair trial.

66. **The Chairperson** suggested that the words "who does not speak the language of the proceedings" should be added after "an indigent defendant" in the third sentence.

67. *Paragraph 32, as amended, was adopted.*

Paragraph 33

68. **Mr. Kälin** introduced a number of amendments under the additional proposals circulated to members. In the first sentence, the word "all" should be inserted before "materials". The following new second sentence should be added after the first: "Information about the circumstances in which the evidence was obtained must also be made available to allow an assessment of whether this was done in a manner compatible with article 7". In the last sentence, the words "and unless he is not represented by counsel" should be added after "... in which the proceedings are held".

69. **Ms. Chanet** proposed the deletion of the parenthetical reference to the example of an alibi in the original second sentence.

70. **Mr. Amor** pointed out that the addition of "all" before "materials" made the phrase "at a minimum" redundant.

71. **Ms. Chanet** said that it was indeed important to include all materials, as there were cases where some materials were kept secret.

72. **Mr. Pérez Sánchez-Cerro** said that "adequate facilities" should also include access to experts and to witnesses.

73. **Mr. Kälin** said he agreed that "at a minimum" should be deleted in the three language versions. He stressed that while in common law there could be access to witnesses, civil proceedings did not so permit outside the courtroom. He had therefore mentioned only "materials".

74. *Paragraph 33, as amended, was adopted.*

Paragraph 34

75. **Mr. Kälin** said that in the last sentence the word "any" should be deleted in "without any restrictions".

76. *Paragraph 34, as amended, was adopted.*

Paragraph 35

77. *Paragraph 35 was adopted.*

Paragraph 36

78. **Mr. Amor** pointed out that "*les procès par contumace*" were but one form of trial in the absence of the defendant and that it would be preferable to use a broader term.

79. **Mr. Kälin** said that it was a problem of translation and that "*in absentia*" in the English text did indeed broadly mean in the absence of the defendant.

80. **Mr. Lallah** requested a clarification in regard to cases where the defendant refused to appear.

81. *Mr. Shearer (Vice-Chairperson) took the Chair.*

82. **Mr. Kälin** said that, since article 14 did not give defendants any right not to appear, there was no need for amplification.

83. **Sir Nigel Rodley** pointed out that that eventuality was covered by the wording of the paragraph, which referred to an accused person declining to exercise his right to be present.

84. *Paragraph 36 was adopted, subject to a drafting change in the French version.*

Paragraph 37

85. *Paragraph 37 was adopted.*

Paragraph 38

86. *Paragraph 38 was adopted.*

Paragraph 39

87. **Mr. Kälin** welcomed the insertion, under the additional proposals, after "Within these limits" in the last sentence, of the words "and subject to the overriding rule that evidence obtained in violation of article 7 may never be admitted".

88. **Mr. Amor** said that the word "*déterminer*" would be more appropriate than "*réglementer*" in the French version of that sentence.

89. **Mr. Kälin** said that the corresponding change should also be made in the other languages.

90. *Paragraph 39, as amended, was adopted.*

Paragraph 40

91. *Paragraph 40 was adopted.*

Paragraph 41

92. **Ms. Chanet** said that in the last sentence it should be made clear that the burden was on the State to prove that statements made by the accused had been given of his own free will only in cases where the accused claimed to have been subjected to physical or psychological pressure.

93. **Mr. Kälin**, referring to the additional proposals, recalled the suggestion to replace the first half of the last sentence with the words "The law must require that all evidence and statements obtained by means of methods contrary to article 7 of the Covenant or any other form of compulsion, whether of the accused or of any other person, are excluded from". In addition, in the second half of the last sentence, he suggested inserting the words "in such cases" following the words "the evidence and that", which would take into account Ms. Chanet's point.

94. *Paragraph 41, as amended, was adopted.*

Paragraph 42

95. **Mr. Amor**, supported by **Ms. Chanet**, pointed out that the age of majority varied from country to country and even with regard to such areas as the right to vote. He suggested that the second sentence of the paragraph should be deleted.

96. **Mr. Lallah** said the Convention on the Rights of the Child did not make distinctions and simply defined a minor as a person under the age of 18. The Committee should avoid being too prescriptive by trying to define earlier or later ages of majority and he suggested that in the second sentence the words "unless, under the law applicable to the juvenile, majority is attained earlier or later" should be deleted.

97. **Mr. Kälin** said the problem was how to define the term "juvenile" as used in article 14. Article 1 of the Convention on the Rights of the Child defined a child as "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.", which therefore allowed States parties to lower that age-limit and treat younger individuals as adults. The current text implied that the Committee was using the same definition as the Convention on the Rights of the Child; if it chose to differ from that definition by, for example, setting a clear age-limit of 18, it would need to explain its reasons for being in conflict with the Convention. He would not, however, be opposed to avoiding the issue by deleting the second sentence.

98. **The Chairperson** said the reference to the age of 18 contained in the Convention on the Rights of the Child should be retained and also recalled that article 6 of the Covenant explicitly excluded the imposition of the death penalty on persons below 18 years of age, although paragraph 42 dealt with procedures. There did therefore seem to be a presumption that majority was attained at the age of 18. Finally, he suggested that, at the end of the second sentence, the words "or later" should be deleted.

99. **Mr. Amor** reiterated his view that the second sentence should be deleted. If it was retained, however, the Committee should refer explicitly to the definition of the child contained in article 1 of the Convention on the Rights of the Child.

100. **Ms. Chanet** said the Convention on the Rights of the Child applied to the rights of children in all areas. The Committee was concerned with the age of criminal responsibility, which should be as late as possible; if it set the age of criminal responsibility at 18, children younger than that age would automatically be covered.

101. **The Chairperson** said the issue in paragraph 42 was not simply one of the age of criminal responsibility, which varied greatly. The central point was that, in a criminal proceeding involving a juvenile, there were special conditions that must be observed.

102. **Sir Nigel Rodley** said the issue of criminal responsibility and proceedings was dealt with in the second sentence of paragraph 44; perhaps it was not necessary to raise that question in paragraph 42 as well. The latter paragraph focused on the issue of the appropriateness of a judicial proceeding, which was not wholly determined by the issue of age of majority. The problem was the wide range of State practice with regard to proceedings involving juveniles, which made it difficult to rely on the very general focus of article 1 of the Convention on the Rights of the Child.

103. **Mr. Lallah** said the purpose of article 14, paragraph 4, was to ensure that a judicial proceeding involving a juvenile took into account the age of the accused and the need to ensure his rehabilitation, including with regard to such aspects as the presence of the parents, the holding of a closed hearing, sentencing, trial with an adult co-accused or not, etc. In that case, perhaps the Committee could set the age-limit for treatment as an adult at 18.

104. **Ms. Chanet** said the issue was that of the age of criminal responsibility for juveniles, which varied from State party to State party. The Committee could specify that in its opinion the age of criminal responsibility was 18, but it would make no sense to retain the words "or later" at the end of the paragraph. The focus of article 14, paragraph 4, was narrower than the very broad focus of the definition of a child contained in the Convention on the Rights of the Child.

105. **The Chairperson** said that, if the second sentence was deleted, the paragraph would merely repeat the language of article 14, paragraph 4, without clarifying it and in that case should perhaps simply be inserted at the beginning of paragraph 43. He believed, however, that the Committee must give some indication of how it defined a juvenile.

106. **Mr. Kälin** noted that article 14, paragraph 4, did not refer to a specific age, but simply to the need for special procedures in criminal proceedings involving a

juvenile. He had drafted paragraph 42 bearing in mind article 40, paragraph 1, of the Convention on the Rights of the Child regarding the need for penal law to take into account the age of the accused and his reintegration into society. He concurred with the view that the words "or later" were inappropriate and also agreed that the second sentence as a whole could be deleted and the first sentence simply inserted at the beginning of paragraph 43.

107. **Mr. Lallah** said that to date the Committee had not had any State party reports or communications where article 14, paragraph 4, had been an issue. It would be preferable to leave matters such as public trial and sentencing to be dealt with in paragraph 43. In the future the Committee might wish to revert to the procedure for juveniles should the need arise in relation, for example, to a communication. The second sentence should be deleted and the first sentence added to the beginning of paragraph 43.

108. **Mr. Amor**, **Mr. Glélé Ahanhanzo** and **Mr. Bhagwati** supported the deletion of the second sentence and the insertion of the first sentence of paragraph 42 at the beginning of paragraph 43.

109. **Sir Nigel Rodley** said the second sentence added nothing to the Committee's position on the issue and felt that there was no need to adopt a default position on the age of criminal responsibility. He agreed that the second sentence should be deleted and the first sentence inserted at the beginning of paragraph 43.

110. **The Chairperson** said he took it that the Committee wished to delete the second sentence of paragraph 42 and insert the first sentence of the paragraph at the beginning of paragraph 43.

111. *It was so decided.*

The meeting rose at 1 p.m.